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RIGHTS OF THE CHILD

Written statement submitted by Human Rights Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[9 March 1998]

GE.98-11071 (E)

Child soldiers and an optional protocol to the Convention on the Rights of the Child

1. As many as 250,000 children around the world, some as young as eight years old, have been recruited, often by force, into government armies or armed rebel groups. In over 30 countries, these young combatants are both the tools and the casualties of adult hatreds.

2. These young combatants are not only subject to grave physical risk, but are all too often encouraged or even forced to commit barbaric acts. Considered dispensable, child soldiers are often sent to the front lines of combat, or sent into minefields ahead of older troops. Those who survive their experience are frequently physically and psychological scarred, and unprepared to live in and contribute to a peaceful society. More than their adult counterparts, these children require extensive social and psychological rehabilitation after their participation in hostilities.

3. Human Rights Watch has conducted field investigations and issued reports on the use of child soldiers in Liberia, the Sudan, and Uganda. We have also reported on the use of child soldiers in internal conflicts in Angola, Myanmar, El Salvador, Ethiopia, Mozambique and Peru. After interviewing scores of child soldiers, we have concluded that no child under the age of 18 should take part in hostilities or be recruited, either compulsorily or voluntarily into armed forces.

4. Human Rights Watch urges the Commission to support the adoption of an optional protocol to the Convention on the Rights of the Child that includes the following provisions:

(a) A prohibition on the participation in hostilities by persons under the age of 18 whether directly or indirectly;

(b) A prohibition on compulsory or voluntary recruitment of persons under 18 into government armed forces;

(c) A prohibition on the recruitment of persons under 18 into non-governmental armed groups involved in hostilities, and the obligation by States parties to take all feasible measures to prevent such recruitment.

The abduction of children by the Lord's Resistance Army in northern Uganda

5. One of the most extreme examples of the growing trend towards the use of child soldiers is the abduction, torture, rape and killing of Ugandan children by the LRA, an armed rebel group operating in northern Uganda and southern Sudan which seeks to overthrow the Uganda Government.

6. Human Rights Watch investigated the abduction of children by the LRA in 1997 and issued its findings in a report, *The Scars of Death: Children Abducted by the Lord's Resistance Army in Uganda*. Caught in the midst of conflict between the Ugandan and Sudanese Governments, the LRA and SPLA, thousands of Ugandan boys and girls, some as young as eight, have been stolen from their homes and forced to become LRA rebel soldiers. To date, preliminary figures gathered by UNICEF indicate that 1,612 children

(1,259 boys, and 353 girls), reported abducted from the districts of Gulu and Kitgum alone, remain missing. Thousands of others have returned, and an unknown number are dead or still in captivity.

7. Captive children are made to participate in the killings of other children who are caught trying to escape. Children are forced to carry heavy loads as they are marched off to southern Sudan where the LRA has its base camps, supported by the Sudanese Government. Those who cannot keep up, who resist or complain, or who fall in from exhaustion and hunger are beaten or killed.

8. In the bush in the Sudan, a shortage of food and water reduces many children to eating leaves for survival; deaths from dysentery, hunger and thirst are frequent. Once they reach the LRA camps, younger children are forced to run errands, fetch water or cultivate the land. Girls as young as 12 are given to rebel commanders as "wives", and live as sexual slaves. Children who do not perform their assigned tasks to the rebels' satisfaction are beaten. Failed escape attempts continue to be punished by death, and successful escape attempts lead to retaliation: if one sibling escapes, the rebels often kill the other sibling, or return to the child's home village and slaughter any surviving relatives.

9. All the children are trained as soldiers, taught to use guns and to march. The children are forced to help raid and loot villages, help abduct other children and fight, both in Uganda (against the Ugandan army) and the Sudan (against the SPLA). When the rebels fight against the Ugandan government army, they force the captive children to the front; children who hang back or refuse to fire are beaten or killed by the rebels, while those who run forward may be mown down by government bullets.

10. We call on:

(a) The United Nations Committee on the Rights of the Child and the Secretary-General's Special Representative on the impact of armed conflict on children to conduct on-site investigations into the abduction, killing, torture and sexual abuse of children by the Lord's Resistance Army;

(b) The United Nations Special Rapporteur on the situation of human rights in the Sudan to investigate and report on the role of Sudan in supporting the LRA, with special attention to the LRA's abduction, killing, torture and sexual abuse of children;

(c) The United Nations Special Rapporteur on the sale of children, child prostitution and child pornography to investigate the enslavement of children by the LRA;

(d) The Working Group on Enforced or Involuntary Disappearances to investigate the abduction of children by the LRA;

(e) The Commission to urge the Government of the Sudan to cease all military aid and other support to the LRA and use its influence over the LRA to stop the abduction, killing, torture and sexual abuse of children, and to bring about the immediate release of children held by the LRA;

(f) The government of Uganda to take all possible steps to protect children from abduction and ensure that all children who escape or are captured from the rebels receive prompt and adequate access to medical attention, counselling and rehabilitation services.

Police abuse and arbitrary detention of street children

11. Street children throughout the world are subjected to physical abuse by police or murdered outright, as Governments treat them as a blight to be eradicated, rather than as children to be nurtured and protected. They are frequently arbitrarily detained by police simply because they are homeless, or charged with vague offences such as loitering or vagrancy. Many are tortured and beaten by police and are often held for long periods in poor conditions. Girls are some times sexually abused, coerced into sexual acts, or raped by police. Few advocates speak up for these children, and few street children have family members or concerned individuals willing and able to intervene on their behalf.

12. While street children receive a fair amount of national and international attention, that attention has been focused largely on social, economic and health problems-poverty, lack of education, AIDS, prostitution and substance abuse. With the exception of the massive killings of street children in Brazil and Colombia, often by police, which Human Rights Watch reported on in 1994, very little attention has been paid to the routine police violence and abuse suffered by street children.

13. Human Rights Watch has now carried out field investigations and released detailed reports on police violence against street children in seven countries on four continents: Brazil, Colombia, Sudan, India, Bulgaria, Kenya and Guatemala. In all of these countries children who have not even been charged with a crime are beaten on the street, are arbitrarily detained and beaten in police stations and in some cases, released only upon payment of a bribe to police.

14. Our work has shown, sadly, that this is a worldwide problem that is in urgent need of international attention.

15. We call on:

(a) The Committee on the Rights of the Child to hold a theme day devoted to discussion of police abuse and arbitrary detention of street children, and to urge States parties to the Convention on the Rights of the Child to investigate and end such wrongful conduct;

(b) The Commission to urge UNICEF, in keeping with its mission statement and its emphasis on protection of children, to make police abuse and arbitrary detention of street children a top priority;

(c) The Working Group on Arbitrary Detention to look into reports of arbitrary detention of street children and act to end them; and

(d) The Special Rapporteur on torture to investigate allegations of physical violence against street children.